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MUNICIPAL GOVERNMENT

Incorporated cities of every class in the State of Utah were placed under a commission form of government by an act of the legislative assembly of 1911; the law became effective at the beginning of the year 1912; the plan was not submitted to the voters for ratification, but the law was enacted in response to a popular demand.

This law and the one authorizing the holding of an election to carry out the commission idea were approved simultaneously on the 20th of March, 1911, in accordance with which a primary election was held on the 24th of October, 1911, and a regular election on the 7th day of November, 1911.

Municipal Government. The municipal government of all cities of the first class is hereby vested in a board of five commissioners, consisting of a mayor and four commissioners, and in cities of the second class in a board of commissioners, consisting of a mayor and two commissioners to be known as the board of commissioners of their respective cities. The municipal government of all cities of the third class is hereby vested in a mayor and city council. The city council shall be composed of five councilmen, chosen at large by the qualified voters of the city. The board of commissioners of cities of the first and second class shall discharge, exercise and have all the duties, powers and privileges as are now or may be hereafter provided by law and are now or may be hereafter vested jointly or severally in the mayor and city council of cities of the first and second class, and shall have all the rights, duties, powers and privileges as may hereafter be provided by law for boards of commissioners of cities of the first and second class; the boards of commissioners of cities of the first and second class shall be the successors in office of the mayor and city councilmen of said cities of the first and second class, and the offices of mayor and city councilmen in cities of the first and second class as now provided by law are hereby abolished, to take effect on the first Monday in January, 1912, at twelve o'clock meridian.

Mayor, Commissioners and Auditors. The mayor, commissioners and auditors of cities of the first and second class and mayors and city councilmen of cities of the third class, shall be qualified voters within their respective cities.

How Chosen. The mayor, commissioners and auditors of cities of the first and second class and the mayors of cities of the third class, shall be chosen by the qualified voters of their respective cities.

Mayor, Commissioners. The chief executive of cities of the third class shall be the mayor of said cities and during his temporary absence or disability, the city council shall elect one of its number to act as mayor pro tem, who during such absence or disability shall possess the power of mayor. In cities of the first and second class the rights, powers, duties and privileges as are now provided by law for the mayors of said cities respectively shall be vested in the board of commissioners of said cities of the first and second class.

Vacancies. Whenever a vacancy shall happen in the office of mayor of cities other than cities of the first and second class, the city council shall elect a mayor who shall possess all the rights and powers of mayor until the next municipal election and until his successor is elected and qualified.

If any vacancies shall occur in the office of councilman by death, resignation, removal, or otherwise, such vacancy shall be filled for the unexpired term by appointment of the city council from the ward in which the vacancy occurs. If any vacancy shall occur in the office of mayor, commissioner or auditor for cities of the first and second class by death, resignation, removal, or otherwise, such vacancy shall be filled for the unexpired term by appointment of the board of commissioners. Should the board of commissioners fail for thirty days to fill the vacancy in the board, then the auditor shall sit as a member of the board, for the purpose only of choosing some person to fill said vacancy.

Chairman of Board. Powers and Duties of Commission. In cities of the first and second class, the mayor shall be chairman of the board of commissioners. The mayor shall preside at all meetings of the board and shall have the right to vote upon all questions coming before the board, and in case of his absence or inability to act, the members present must by an order entered in the records, select one of their number to act as chairman temporarily. The board of commissioners shall have power to enforce the attendance of witnesses, the production of books and papers and power to administer oaths in the same manner and with like effect and under the same penalties as in the case of judges of the district court exercising civil or criminal jurisdiction under the laws of Utah. In cities of the first class not less than three members shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless three members concur therein. In cities of the second class not less than two members shall constitute a quorum for the transaction of business and no act of the board shall be valid or binding unless two members concur therein. Upon every vote the yeas and nays shall be called and recorded and every motion, resolution, or ordinance shall be reduced to writing and read before the vote is taken thereon. The mayor shall have no power to veto any measure, but every resolution or ordinance passed by the board must be signed by the mayor, or, if he be absent from the meeting, by the temporary chairman, or by two commissioners, and be recorded before the same shall

be in force. The commissioners shall each month print in pamphlet form a detailed and itemized statement of all receipts and disbursements of the city and a summary of their proceedings and expenses during the preceding month, and furnish printed copies thereof to the newspapers of the city and to persons who shall apply therefor at the office of the recorder. At the end of each year the commissioners shall cause a full and complete examination of all the books and accounts of the city to be made by competent accountants, and shall publish the result of such examination in the manner above provided for monthly statements.

Meetings. Departments. The city council in cities of the third class shall prescribe the time and place of holding its meetings; provided, that at least one meeting shall be held each month and the mayor or any two members of the council may call a special meeting by giving notice of it to each of the members of the council, served personally or left at his usual place of abode.

In cities of the first and second class, the board of commissioners shall prescribe the time and place of holding its meetings; provided, that at least four public meetings a week shall be held by said board and one of said meetings shall be held in the evening. If at any time the business of the city requires a special meeting of the board of commissioners, such meeting may be ordered by a majority of the board or by the mayor or temporary chairman thereof. The order must be signed by the members or mayor or chairman calling such meeting, and must be entered in the minutes of the board. Not less than three hours' notice of such special meeting must be given by the recorder to each member not joining in the order, said notice to be served personally or left at his usual place of abode. All meetings of the board of commissioners, to which any person not a city officer is admitted, must be public, the books, records and accounts must be kept at the office of the city recorder and open at all times during the business hours for public inspection.

The board of commissioners shall have power to make and enforce such rules and regulations for the government of the board, the preservation of order and the transaction of business as may be necessary.

Division of Labors. The said board of commissioners shall have, possess and exercise all executive, administrative and legislative powers and duties now had, possessed and exercised by the mayor, city council and board of public works in cities of the first and second class. The executive and administrative powers, authority and duties in such cities of the first and second class shall be distributed into and among five departments as follows:

1. Department of Public Affairs and Finance.
2. Department of Water Supply and Water Works.
3. Department of Public Safety.
4. Department of Streets and Public Improvements.
5. Department of Parks and Public Property.

The said board of commissioners shall at the first regular meeting after the election of its members, designate by a majority vote one commissioner to be superintendent of the department of public affairs and finance; one to be superintendent of the department of water supply and water works; one to be superintendent of the department of public safety; one to be superintendent of the department of streets and public improvements, and one to be superintendent of the department of parks and public property, but such designation shall be changed whenever it appears that the public service shall be benefited thereby; provided, that in cities of the second class no member of the board shall be superintendent of more than two departments. Said board of commissioners shall also determine the powers and duties to be performed by said superintendents of departments and of all officers and employees; it may assign any particular member, officer and employee to one or more of the departments, it may require a member, officer or employee to perform duties in two or more departments, and may make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city.

When Ordinances Take Effect. Publication. Proof. All ordinances, before taking effect, shall be deposited in the office of the city recorder and published at least once in some newspaper published within the city, or if there is no newspaper published in the city, then by posting in three public places therein, and shall go into effect on the twentieth day after its publication, unless provided in the ordinance that it shall take effect at an earlier or a later date; provided, that whenever a revision is made and the revised ordinances are published by authority of the board of commissioners or city council, no further publication shall be deemed necessary. The city recorder shall record all ordinances in a book kept for that purpose, together with the affidavits of publication by the publisher, or his agent, or if posted, with the certificates of the due posting thereof; and said book, or a certified copy of the ordinances, under the seal of the city, shall be received as evidence in all courts and places without further proof, or if printed in book or pamphlet form by authority of the board of commissioners or city council, they shall be so received; provided, that in cities of the third class the city council may, at its option, order that a certified copy of any ordinance be posted in three public places within the city, and thereafter no further publication shall be deemed necessary.

Certain City Officers to Be Elected. Appointive Officers. In all cities of the State, except cities of the first and second class, there shall be elected in addition to the mayor and city councilmen, a city recorder, a city treasurer; provided, that in cities of the third class, the city recorder shall be ex officio city auditor and shall perform the duties of such office without extra compensation therefor; provided further, in cities of the third class a city marshal and a city justice of the peace shall be appointed by the mayor subject to the confirmation of the city

council on or before the first Monday of February following a municipal election, whose term of office shall be for two years or until removed for cause; provided further, that in cities having a population of over 15,000 the office of city justice of the peace is hereby abolished and no election for said office shall be held. In all cities of the first class in this State there shall be elected at large a mayor and four commissioners, who shall constitute the board of commissioners of the city for which they are elected, and there shall also be elected a city auditor. In all cities of the second class in this State there shall be elected at large a mayor and two commissioners, who shall constitute the board of commissioners of the city for which they are elected, and there shall also be elected a city auditor. In cities of the first and second class, the office of mayor and city councilman as now provided by law are hereby abolished, and no election shall be held for said offices, nor shall any election be held for the office of city recorder, city treasurer, or city attorney, and the terms of said respective officers in said cities of the first and second class shall terminate and cease on the first Monday in January, 1912, at 12 o'clock meridian. All elective officers shall hold their respective offices for the term for which they are elected, and until their successors are elected and qualified. Every elective officer of cities of the first and second class shall, within thirty days after qualifying, file with the city recorder and publish at least once in a daily newspaper of general circulation within the city, the sworn statement of all his election and campaign expenses, and by whom such funds were contributed. Upon failure so to do, the office of said officer shall become vacant, and he shall, upon failure so to do, be guilty of a misdemeanor.

Appointment of City Officers. In cities of the first and second class, the board of commissioners shall appoint a qualified person to each of the offices of city recorder, city treasurer and city attorney, who shall have such powers and perform such duties as are now provided by law for such officers, and they may create any other office that may be deemed necessary for the good government of the city, and regulate and prescribe the powers, duties and compensation of all officers of the city, except as otherwise provided by law. The board of commissioners may appoint all such officers and agents as may be provided for by law or ordinance and fill all vacancies occurring therein. In cities of the third class the mayor, by and with the advice and consent of the council, may appoint all such officers and agents as may be provided for by law or ordinance, and in like manner fill all vacancies among the same, except as otherwise provided by law; provided, that elective officers shall have the sole right to appoint all their deputies and assistants, who shall be confirmed by the city council.

Terms of Office. Except as otherwise provided by law, the term of office of all appointive officers shall be until the municipal election next following their appointment and until their successors are duly

appointed and qualified, unless sooner removed by the board of commissioners of cities of the first and second class, or in cities of the third class by the mayor, with the concurrence of a majority of the members of the city council, or by the city council with the concurrence of the mayor.

Oath. Bond. All officers of any city, whether elected or appointed, shall, before they enter upon the duties of their respective offices, take and subscribe the constitutional oath of office, and every such officer shall, before entering upon the duties of his office, execute a bond with good and sufficient sureties to be approved by the mayor, payable to the city in such penal sum as may, by resolution or ordinance, be directed, conditioned for the faithful performance of the duties of his office, and the payment of all moneys received by such officer according to the law and the ordinances of said city; provided, that the bond of the mayor shall be approved by the city council; provided further, that the treasurer's bond shall be fixed at a sum not less than the amount of the whole tax for the current year; provided further, that in cities of the first and second class the mayor and each commissioner shall give a penal bond with approved corporate surety in the sum of $20,000, and the auditor in cities of the first and second class shall give a penal bond with approved corporate surety in the sum of $20,000, conditioned as above, to be filed with the recorder and approved by the board of commissioners and that the bond of all other officers of cities of the first and second class shall be filed with the recorder and approved by the board of commissioners of such cities. The premium charged by corporate surety for any official bond shall be a legal charge against the funds of the city.

Additional Bonds. The board of commissioners in cities of the first and second class and the city council in other cities may at any time require further and additional bonds of any or all officers elected and appointed. All bonds given by the officers of any city, except as otherwise provided by law, shall be filed with the recorder, except the bond of the recorder, which shall be filed with the treasurer.

Officer Not to Be Interested in Contract. No officer of any city, town or municipal corporation shall be directly or indirectly interested in any contract, work or business or in the sale of any article, the expense, price, or consideration of which is paid from the treasury, or by any assessment levied by any act or ordinance, nor in the purchase of any real estate or any other property belonging to the corporation or which shall be held for taxes, or assessments, or by virtue of legal process, at the suit of said corporation, mayor, or other officer of said city, town, or municipal corporation, and no officer or employee of any city, town, or municipal corporation shall accept or receive, directly or indirectly, from any person, firm or corporation operating within the territorial limits of said city, any railroad, interurban railroad, street railroad,

gas works, water works, electric light or power plant, heating plant, telegraph line, telephone exchange or other business using or operating under a public franchise, any frank, free ticket or free service or accept or receive directly or indirectly from any such person, firm or corporation any other service upon terms more favorable than is granted to the public generally. Any violation of the provisions of this section shall be a misdemeanor, and every such contract or agreement shall be void. Such prohibition of free transportation shall not apply to policemen or firemen in uniform, nor shall any free service to any city officers or to the municipal corporations heretofore provided by any franchise be affected by this section.

Salaries. Each member of the board of commissioners of cities of the first class shall receive the sum of $3600 per annum as compensation for his services. Provided, that the mayor of such cities shall receive the sum of $4200 per annum for his services, and the auditor in cities of the first class shall receive the sum of $2400 per annum as compensation for his services. Each member of the board of commissioners of cities of the second class having more than 20,000 inhabitants, shall receive the sum of $3600 per annum as compensation for his services; provided, that the mayor in such cities shall receive a salary of $4200 per annum for his services, and the auditor in such cities of the second class shall receive the sum of $2400 per annum as compensation for his services. Each member of the board of commissioners of cities of the second class having less than 20,000 inhabitants, shall receive not less than $500 nor more than $1500 per annum as compensation for his services; provided, that the mayor in such cities shall receive a salary of not less than $600 or more than $2000 per annum for his services, and the auditor in such cities of the second class shall receive not less than $300 nor more than $1200 per annum as compensation for his services. All other officers of cities of the first and second class and all officers of other cities shall receive such compensation as may be fixed by ordinance; but the compensation of any of such elective officers shall not be increased or diminished to take effect during the time for which any such officer was elected. The compensation of all city officers shall be paid monthly out of the city treasury. The city council of the several cities of the second class having less than 20,000 inhabitants shall, at least fifteen days before the primary, fix by ordinance, within the limits above provided, the salaries of the elective officers to be elected at the next municipal election in said cities and biennially thereafter; the board of commissioners for said cities shall by ordinance fix the salaries, within said limits, of the elective officers to be elected at the next municipal election.

Board of Equalization. Whenever the city shall levy any tax under the provisions of this chapter in cities other than cities of the first and second class, the city council shall appoint a board of equalization and review, to consist of five of its members. In cities of the first

and second class, the board of commissioners shall constitute a board of equalization and review, which said board shall, upon the completion of the lists of property in any of the districts taxed, give public notice of the completion of said lists. Such notice shall state the time and place of meeting of said board and the same shall be during the usual business hours and for not less than five consecutive days, and during the time specified said lists shall be open to public inspection, and any person feeling aggrieved shall have a hearing and it shall have authority to make corrections of any tax deemed unequal or unjust.

Date of Municipal Elections. Terms of Office. On the Tuesday next following the first Monday in November, 1911, and biennially thereafter, there shall be held in each incorporated city and town of this state an election to fill all elective offices in said city and town, and the officers then elected shall qualify and enter upon their duties at twelve o'clock meridian on the first Monday in January next succeeding their election, and continue in office for two years, unless otherwise provided, until their successors are elected and qualified. The term of office of all the present elective officers in cities of the first and second class shall expire at twelve o'clock meridian on the first Monday in January, 1912, provided that in cities of the first class, the election and term of office of the officers shall be as follows: In the year 1911 there shall be elected at large in said cities of the first class a mayor and four commissioners, to constitute the bord of commissioners, and an auditor. The mayor and two commissioners shall be elected for a term of four years, and two of said commissioners and the auditor shall be elected for a term of two years, and biennially thereafter there shall be elected an auditor for a term of two years and two commissioners for a term of four years each, and quadrennially thereafter there shall be elected a mayor for a term of four years. The auditor shall be elected for a term of two years. Provided, that in cities of the second class the election and term of office of the officers shall be as follows: In the year 1911 there shall be elected at large in cities of the second class a mayor and two commissioners, to constitute the board of commissioners, and an auditor. The mayor and one commissioner shall be elected for a term of two years, and one of said commissioners shall be elected for a term of four years, and biennially thereafter shall be elected a mayor, and auditor and one commissioner, the mayor for the term of two years, such commissioner for a term of four years and such auditor for a term of two years. The officers elected shall enter upon their duties at twelve o'clock meridian on the first Monday in January next succeeding their election. In cities of the third class there shall be elected in the year 1913 five councilmen at large, four of whom shall be for a term of two years and one for a term of four years, and biennially thereafter there shall be elected three for a term of two years and one for a term of four years. The municipal officers herein provided shall continue in office for the respective terms to which they are elected, as provided in this act and until their successors shall be elected and qualified.

Duty of Registry Agent. It shall be the duty of the registry agents appointed as herein provided for the election districts within the several incorporated cities and towns, at any time when called upon to do so at their respective offices, and not elsewhere, between the hours of eight o'clock a. m. and nine o'clock p. m. of the first and third Tuesdays, and also in cities of the first and second class, the fourth Tuesday, prior to the municipal or town election, to receive and register the names of all persons applying for registration who are legally qualified and entitled to vote at such election, or who will legally have acquired a residence (being otherwise qualified) and who have a right to vote at such ensuing election according to the provisions of law under which such election may be held in each election district. The expense of such registration shall be paid by the city or town from which the same is made.

Official Registry. Before the day on which any special election is appointed to be held, and in cities of the first and second class, before the day on which any primary election is appointed to be held, the registry agent must furnish one of the judges in his election district, at a time not later than one day next preceding the day on which the election is to be held, a copy of the official registry for his district, but no copies need be posted.

Person Must Register to Vote. No person shall hereafter be permitted to vote at any general, special, municipal, school election or at any primary election for the nomination of officers to be voted for at municipal elections in cities of the first and second class, without having first been registered within the time and in the manner and form required by the provisions of this chapter.

Primary Elections. Political parties, organizations, or associations in this State may appoint presiding officers and judges of election at any primary election that they may deem just and proper. In all cities of the first and second class the polls at such primary election shall be open at four o'clock in the afternoon and close at nine o'clock in the afternoon of the same day on which such election is held; provided, however, that the foregoing provisions shall not apply to primary elections for the nomination of officers provided by law to be elected in cities of the first and second class. In cities of the first and second class primary elections for the nomination of officers shall be conducted as provided in Section 2 of this act.

Who Entitled to Vote. No person shall be entitled to vote at any primary election unless of the age of twenty-one years, and a duly qualified voter under the laws of this State, or shall have been a duly qualified voter at the next ensuing State, city, or school election for which such primary is being held under the prescribed rules and regu-

lations of the political party, or organization, or association so holding the primary election, provided, that in the selections of candidates to be voted for at elections for municipal offices, in cities of the first and second class, all persons entitled to vote at the ensuing city election shall be entitled to participate in such primary.

Nominations. Any convention of delegates of a political party which presented candidates at the last preceding election held for the purpose of making nominations for public office, and also voters to the number and in the manner specified in Section 825, may nominate candidates for public offices to be filled by election within this State. A convention within the meaning of this chapter is an organized assemblage of voters or delegates representing a political party which at the election before the holding of such convention polled at least two per cent. of the entire vote cast in the State, county, or other political division or district for which the nomination may be made. A committee appointed by any such convention may also make nominations to public office or fill any vacancies in the nominations made by the convention when authorized to do so by resolution duly passed by the convention at which the such committee was appointed. Provided, that nothing in this section or chapter contained shall be construed so as to authorize any number of voters, convention, or committee of any political party to nominate more than one group of candidates or have placed on the official ballot more than one group of candidates or more than one ticket, by adopting any name, emblem or device, other than the regular name, emblem, and device of the political party represented by the voters, committee or convention making such nomination; provided further, that any voters, convention or committee of any political party may nominate any one or more person or persons who may have been nominated by any other voters, convention or committee, but in making such nomination, the name of such nominee shall be placed upon the regular ticket of the political party represented by the voters, convention or committee making such nomination, and no political party shall be permitted to have placed upon the official ballot, either directly or indirectly, more than one ticket or more than one group of candidates or to group the same persons on different tickets by the same party under a different name or emblem.

In cities of the first and second class all candidates for municipal offices shall be nominated as provided by Section 2 of this act. (Primary elections.)

Nomination Certificates. Candidates for public office, except candidates for municipal offices in cities of the first and second class, may be nominated otherwise than by convention or committee in the manner following: A certificate of nomination containing the names of candidates for the offices to be filled with such information as is required to be given in the certificates as hereinbefore provided for in other cases, except that such certificates shall designate in not more than five words,

instead of a party, the political or other name which the signers shall select, shall be signed by voters residing within the district or political division and for which the officer or officers are to be elected, to the number of at least five hundred, when the nomination is for an office to be filled by the voters of the entire State; of at least one hundred, when the nominations for an office to be filled by the voters of the district less than the State and greater than a county, or by the voters of a county; and of at least fifty, when the nomination is for an office to be filled by all the voters of a precinct, town, city, or other divisions, less than a county. The signatures to a certificate of nomination need not all be appended to one paper. The certificate may designate or appoint upon the face thereof one or more persons, who, for the purposes set forth in Sections 833 and 834, shall represent the signers of said certificate. Each voter signing a certificate shall add to his signature, his place of residence, and shall, before an officer duly authorized to take acknowledgments, acknowledge his signature and take oath that he is a voter within and for the political division for which said nomination is made, and has truly stated his residence. Such certificate shall also contain a statement by the voter that the name or names of the person or persons nominated in the certificate will not be printed upon the official ballot, or upon any party ticket as the nominees of any political party or voters and that the name or names of the persons nominated in the certificate will not be printed upon the official ballot under the name or device adopted in the certificate. It is hereby made the duty of the officers making up the official ballot to erase from the certificate any name or names of nominees contained in such certificate that will otherwise appear printed upon the official ballot as the party ticket. Such certificate, when executed and acknowledged as above prescribed, may be filed as provided for in Section 824, in the same manner and with the same effect as a certificate of nomination made by a convention or committee as provided for in Section 822; provided, however, that in cities of the first and second class all candidates for municipal offices shall be nominated as provided in Section 2 of this act.

List to Be Published or Posted. Before an election to fill any public office, the county clerk of each county, or recorder of each city, or town clerk of each town, shall publish in at least one and not more than two newspapers published within the county, city, or town, as the case may be, or post notices in at least three conspicuous places in each precinct where such election is to be held, a list of all the nominations to offices certified to him under the provisions of this chapter; provided, however, that in cities of the first and second class publication of nomination of candidates shall be made as provided in Section 2 of this act. Such publication shall be made three times, except as otherwise provided in this section, the first publication to be not less than six days nor more than ten days prior to the day of election, and shall contain the name and the party or other designation of each candidate, and shall

be, as far as possible, in the form of the official ballots. In the case of municipal elections, such publication of the names of candidates for municipal offices shall be made in newspapers which are published in the municipality where the election is to be held. One of such publications shall be made in the newspapers which advocate the principles of the political party that at the last preceding State election cast the largest number of votes and another of such publications, if more than one is to be made, shall be in the newspaper which advocates the principles of the political party which at the last preceding State election cast the next largest number of votes. The clerk or recorder, in selecting the respective papers for such publication, shall select those which, according to the best information he can obtain, have the largest circulation within the county. If there be no daily newspaper published within the county, city, or town, as the case may be, one publication in each newspaper shall be sufficient. Should the clerk or recorder find it impracticable to make the publication six days before the election day, in counties where no daily newspaper is printed, he shall make the same at the earliest possible day thereafter. One of the publications in any newspaper shall be in the last issue thereof before the day of election. In counties, cities, or towns where it is impracticable to make publication in newspapers advocating opposite political principles, publication shall be made in the newspapers having the largest circulation. In counties, cities, or towns where there are no newspapers published, the clerk or recorder shall post double the number of printed lists, and such additional lists shall be posted in other conspicuous places in different portions of the county, city or town, as the case may be.

Copies of Nomination Lists to Registry Agents. Posting Same. The county clerk of each county and the city recorder of each city, and the town clerk of each town, shall, at least six days before election day, send to the registry agent in each election district in such county, city, or town, at least five or not more than ten copies, for each election district, of printed lists containing the name and party or other designation of each candidate nominated, as hereinbefore provided, to be voted for by the voters of the respective counties, cities, or towns. Such lists shall, at least three days before the day of election be conspicuously posted by such registry agents in one or more public places in each election district of the county, city or town, one or more of which shall be duly posted where such election is to be held; provided, that in elections for municipal offices in cities of the first and second class the printed lists containing the names of candidates shall be arranged as provided in Section 2 of this act. (Primary Elections.)

Vacancies. Should any person so nominated resign or decline the nomination, as in this chapter provided, or die before election day, or should any certificate of nomination be insufficient or inoperative, because of failure to remedy or cure the same, the vacancy or vacancies thus occasioned may be filled in the same manner required in the

original nomination. If the original nomination was made for a party convention which had delegated to a committee the power to fill vacancies, such committee may, upon the occurring of such vacancies, proceed to fill the same. The chairman and secretary of such committee shall thereupon make and file with the proper officer a certificate, setting forth the cause of the vacancy, the name of the person nominated, the office for which he was nominated, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and such further information as is required to be given in an original certificate of nomination. The certificate so made shall be executed and sworn to in the manner prescribed for the original certificate of nomination, and shall, upon being filed at least eight days before the election, have the same force and effect as an original certificate of nomination. When such certificate shall be filed with the secretary of state, he shall, in certifying the nominations to the various county clerks, insert the name of the person who has been nominated to fill the vacancy in place of the original nominee, and in the event that he has already sent forward his certificate, he shall forthwith certify to the county clerks of the proper counties the name and description of the person so nominated to fill the vacancy, the office he is nominated for, together with the other details mentioned in the certificate of nominations so filed with the secretary of state, and the name of the person for whom such nominee is substituted. The chairman and secretary of such committee may in like manner make and file with the proper officer a certificate, setting forth the occurrence of a vacancy by death, resignation, or otherwise, and the further fact that it is not the intention of such committee to fill such vacancy. When such certificate shall be filed with the secretary of state, he shall certify such vacancy to the several county clerks forthwith. The secretary of state shall not be required to make any certificate of new nominations or vacancies after eight days before election day, exclusive of election day; provided, however, that in cities of the first and second class, should any candidate for auditor, mayor or commissioner, resign, or decline the nomination, or die before election day, or for any other reason should such nomination become vacant, void or inoperative, then and in that event the candidate receiving the next highest number of votes at the primary election held for the nomination of such candidate as in this act provided, shall be the candidate to fill such vacancy.

Offering or Giving Bribe. It shall be unlawful for any person, directly or indirectly, by himself or through any other person:

1. To pay, loan, or contribute, or offer or promise to pay, loan or contribute any money or other valuable consideration to or for any voter, or to or for any other person to induce such voter to vote or refrain from voting at any election provided by law, or to induce any voter to vote or refrain from voting at such election for any particular person or persons, or to induce such voter to go to the polls or remain

away from the polls at such election, or on account of such voter having voted or refrained from voting for any particular person, or having gone to the polls or remained away from the polls at such election.

2. To give, offer, or promise any office, place or employment, or to promise or procure, or endeavor to procure any office, place, or employment, to or for any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting at any election provided by law, or to induce any voter to vote or refrain from voting at such election for any particular person or persons, or to obtain the political support or aid of any such person or persons.

3. To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that the same, or any part thereof, shall be used in bribery at any election provided by law, or to knowingly pay or cause to be paid any money or other valuable thing to any persons in discharge or repayment of any money, wholly or in part expended in bribery at any such election.

Chapter Applicable to All Elections. The provisions of this chapter shall extend, as far as applicable, to all elections provided by law, special, general, municipal, school and primary elections in cities of the first and second class.

Sec. 2. **Primary Elections.** Candidates to be voted for at all general municipal elections in cities of the first and second class, under the provisions of this act, shall be nominated by a primary election, and no other name shall be placed upon the general ballot except those selected in the manner hereinafter prescribed. The primary election for such nomination shall be held on the second Tuesday preceding the general municipal election. The judges of election appointed for the general municipal election shall be the judges of the primary election, and it shall be held at the same place, so far as possible, and the polls shall be opened and closed at the same hours.

Any person desiring to become a candidate for mayor or commissioner or auditor shall, at least ten days prior to said primary election file with the said recorder a statement of such candidacy, in substantially the following form:

State of Utah.....County, ss.

I, ..., being first duly sworn, say that I reside at.....street, city of..... County of.....State of Utah; that I am a qualified voter therein; that I am a candidate for nomination to the office of ..... (stating the term) to be voted upon at the primary election to be held on Tuesday, the.....day of October, 19...., and I hereby request that my name be printed upon the official primary ballot for nomination by such primary election for such office.

(Signed).....

Subscribed and sworn to (or affirmed) before me by.....
.....on this.....day of....., 19....
(Signed).....
(Official character of officer taking the oath.)

And shall at the same time file therewith the petition of at least one hundred qualified voters requesting such candidacy. Each petition shall be verified by one or more persons as to the qualifications and residence, with street number, of each of the persons so signing the said petition, and the said petition shall be in substantially the following form:

PETITION ACCOMPANYING NOMINATING STATEMENT.

The undersigned, duly qualified electors of the city of.....
.....and residing at the places set opposite our respective names hereto, do hereby request that the name of (name of candidate) be placed on the ballot as a candidate for nomination for (name of office and term), at the primary election to be held in such city on Tuesday, the.....day of October, 19..... We further state that we know him to be a qualified elector of said city and a man of good moral character, and qualified, in our judgment, for the duties of such office.

Names of qualified electors.	Number.	Streets.
.....	.....	.....
.....	.....	.....

Immediately upon the expiration of the time of filing the statements and petitions of candidates, the said city recorder shall cause to be published for three successive days in all the daily newspapers published in the city, in proper form, the names of the persons as they are to appear upon the primary ballot, and if there be no daily newspaper, then in two issues of any other newspapers that may be published in said city; and the said recorder shall thereupon cause the primary ballots to be printed, authenticated with a fac simile of his signature. Upon the said ballot the names of the candidates for mayor, arranged alphabetically, shall first be placed, with a square at the left of each name, and immediately below the words, "Vote for one." Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for commissioner for the two years term with a square at the left of each name, and below the names of such candidates shall appear the words (Vote for....., stating the number as the case may be). Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for commissioner for the four year term, with a square at the left of each name and below the names of such candidates shall appear the words (Vote for..... stating the numbers as the case may be). Following these names, likewise arranged in alphabetical order shall appear the names of the candidates for auditor, with a square at the left of each name, and below

the names of such candidates shall appear the words, "Vote for one." The ballots shall be printed upon plain, substantial white paper, and shall be headed:

CANDIDATES FOR NOMINATION FOR (state the office to be filled) OF.....CITY, AT THE PRIMARY ELECTION .....

But shall have no party designation or mark whatever.

The ballots shall be in substantially the following form; the necessary changes to be made to conform to offices and terms to be filled.

(Place a cross in the square, preceding the names of the persons you favor as candidates for the respective positions.)

OFFICIAL PRIMARY BALLOT.

CANDIDATES FOR NOMINATION FOR (state the offices to be filled) OF.....CITY, AT THE PRIMARY ELECTION.

For Mayor

(Names of Candidates)

(Vote for one)

For Commissioner for the two year terms

(Names of Candidates)

(Vote for .....state the number to be elected at the municipal election.)

For Commissioner for the four year term. Names of candidates. (Vote for.....state the number to be elected at the municipal election.)

For Auditor.

(Names of candidates)

(Vote for one)

Official ballot attest:

(Signature)

.....

City Recorder.

Having caused such ballots to be printed, the said city recorder shall cause to be delivered at each polling place, a number of said ballots, equal to twice the number of votes cast in such voting district at the last general municipal election for mayor. The persons who are qualified to vote at the general municipal election and who at the time of such primary election are registered, shall be qualified to vote at such primary election, and challenges can be made by not more than two such persons, to be appointed at the time of opening the polls by the judges of election; and the law applicable to challenges at a general municipal election shall be applicable to challenges made at such primary election. Judges of election shall immediately, upon the closing of the polls, count the ballots and ascertain the number of votes cast in such district for each of the candidates, and make return thereof to

the city recorder within twenty hours of the closing of the polls, upon proper blanks to be furnished by the said recorder. On the day following the said primary election, the said city recorder shall canvass said returns so received from all the polling districts, and shall make and publish in all the daily newspapers of said city at least once, the result thereof. Said canvass by the city recorder shall be publicly made. The two candidates receiving the highest number of votes for mayor shall be the candidates and the only candidates whose names shall be placed upon the ballot for mayor at the next succeeding general municipal election, in cities of the first class the four candidates receiving the highest number of votes for commissioners, shall be the candidates, and the only candidates whose names shall be placed upon the ballot for commissioners at such municipal election; providing, that at the next general municipal election held in cities of the first class after taking effect of this act, the four candidates receiving the highest number of votes for commissioners for the four year term and the two year term respectively shall be the candidates and the only candidates whose names shall be placed upon the ballot for commissioners at said next municipal election, and the two candidates receiving the highest number of votes for auditor shall be the candidates and the only candidates whose names shall be placed upon the ballot for auditor. In cities of the second class the two candidates receiving the highest number of votes for mayor shall be the candidates and the only candidates whose names shall be placed upon the ballot for mayor at the next succeeding general municipal election, and the two candidates receiving the highest number of votes for commissioner for the two year term, and the two candidates receiving the highest number of votes for commissioner for the four year term, shall be the candidates and the only candidates whose names shall be placed upon the ballot for commissioner at such municipal election, and the two candidates receiving the highest number of votes for auditor shall be the candidates and the only candidates. The ballot at the municipal election shall be in substantially the same form as the primary ballot.

All electors of cities under this act who, by the laws governing cities of the first and second class, would be entitled to vote for the election of officers at any general municipal election in such cities, shall be qualified to vote at all elections under this act; and the ballot at such general municipal election, so far as applicable, and in all elections in such city, the election precincts, voting places, method of conducting election, canvassing the votes, announcing the results, shall be the same as by law provided for election of officers in such cities, so far as the same are applicable and not inconsistent with the provisions of this act.

Approved March 20th, 1911.

POWERS OF CITY COUNCILS.

General Powers. The city council shall have the powers in the following Sections enumerated:

Finances and Property. To control the finances and property of the corporation.

Appropriations. Property. To appropriate money for corporate purposes only, and provide for payment of debts and expenses of the corporation; and to purchase, receive, hold, sell, lease, convey, and dispose of property, real and personal, for the benefit of the city, both within and without its corporate boundaries; to improve and protect such property, and to do all other things in relation thereto as natural persons.

Taxes. To levy and collect taxes for general and special purposes on real and personal property as provided by law.

Licenses. To fix the amount, terms, and manner of issuing licenses.

Public Buildings. To erect all needful buildings for the use of the city.

Borrow Money. To borrow money on the credit of the corporation for corporate purposes, in the manner and to the extent allowed by the constitution and the laws, and to issue warrants and bonds therefor, in such amounts and forms and on such conditions as the council shall determine. The council shall provide for the payment of the interest on such bonds as the same shall become due, and for a sinking fund for the payment of the principal thereof, within twenty years after issuing the same.

Issue Bonds. To issue bonds in place of or to supply means to meet maturing bonds or for the consolidation or refunding of the same.

Streets. Sidewalks. Parks. To lay out, establish, open, alter, widen, extend, grade, pave, or otherwise improve streets, alleys, avenues, sidewalks, parks, and public grounds; and to vacate the same.

Trees. To plant or direct and regulate the planting of ornamental shade trees in streets, avenues, sidewalks, parks, and public grounds.

Use of Streets and Parks. To regulate the use of streets, alleys, avenues, sidewalks, crosswalks, parks, and public grounds.

Obstructions. To prevent and remove obstructions and encroachments upon the same.

Lighting, Etc. To provide for the lighting, sprinkling, and cleansing of the same; provided, that the city council shall have the power to create sprinkling districts and levy a special tax therefor on the property to be benefited thereby.

Gas and Water Mains, Etc. To regulate the opening and use thereof for the laying of gas or water mains and pipes, and the building and repairing of sewers, tunnels, and drains.

Water, Gas and Light Works. To construct and maintain water works, gas works, electric light works, telephone lines, street railways, or bath houses, or to authorize the construction and maintenance of the same by others, or to purchase or lease any or all of said works from any person or corporation.

Protect Water Supply. To construct or authorize the construction of water works, without their limits; and for the purpose of maintaining and protecting the same from injury and the water from pollution, their jurisdiction shall extend over the territory occupied by such works; and over all reservoirs, streams, canals, ditches, pipes, and drains used in and necessary for the construction, maintenance, and operation of the same, and over the stream or source from which the water is taken, for ten miles above the point from which it is taken; and to enact all ordinances and regulations necessary to carry the power herein conferred into effect; provided, however, that each city of the first class shall provide a highway in and through its corporate limits, and so far as its jurisdiction extends, which shall not be closed to cattle, horses, sheep, or hogs, which are being driven through any such city or through any territory adjacent thereto, over which said city has jurisdiction, but the city council of such city may enact ordinances placing under police regulations the manner of driving such cattle, sheep, horses and hogs through said city, or any territory adjacent thereto over which the said city has jurisdiction.

Tax Districts. To divide the city into districts for the purpose of local taxation, or to create districts for that purpose, as occasion may require.

Control of Water. To control the water and water courses leading to the city, and to regulate and control the water courses and mill privileges within the city; provided, that the control shall not be exercised to the injury of any rights already acquired by actual owners, and provided further, that when the city council of any city is acting as distributing agent of the water, not the property of the corporation, outside of, or within the corporate limits of such city, such council may, and is hereby authorized to, levy such a tax as may be necessary annually for the purpose of controlling, regulating, and distributing such water, and constructing and keeping in repair the necessary means for diverting, conveying, and distributing the same; provided, that the funds derived from the levy of said tax shall not be appropriated or used for any other purpose, and in the event that, if more tax is levied and collected in any one year than is necessary for said purposes the excess thereof or balance shall be carried to the account of the year next following and applied to the purpose for which it was collected. Said

tax shall be levied and collected as provided by ordinance, and, until collected, the same shall be a lien upon such water rights and the land irrigated thereby.

Purchase or Lease Water, Canals, Etc. To construct, purchase, or lease, and maintain canals, ditches, artesian wells, and reservoirs; and to purchase or lease springs, streams, or sources of water supply for the purpose of providing water for irrigation, domestic or other useful purposes; and prevent all waste of water flowing from artesian wells; and, if necessary to secure said sources of water supply, to purchase or lease the land from which said water has been appropriated or applied; also to purchase, acquire, or lease stock in canal companies and water companies for the purpose of providing water for said city or town and the inhabitants thereof.

Whenever a city council or city is acting as distributing agent of the water, not the property of the corporation, outside of, or within the corporate limits of such city, as provided by law, such city, upon written petition of the owners of such water, may increase the supply of said water owned by said persons by any of the means provided in this subdivision, and for that purpose may levy and collect from the owners of such water a tax not exceeding such sum per acre of land owned by such persons as may have been agreed upon and designated in said petition, said tax when so collected to be appropriated exclusively to said purposes except such part thereof as is necessary to pay the expense of levying and collecting the same. Said tax shall constitute a lien upon the water rights of said persons and the land irrigated thereby, and shall be levied and collected as provided in the preceding subdivision of this section.

Lighting Works and Contracts. To contract with and authorize any person, company, or association to construct gas works, electric, or other lighting works in said city, and give such persons, company, or association the privilege of furnishing light for the public buildings, streets, sidewalks, and alleys of said city, for any length of time not exceeding three years.

Lighting Streets. Regulation of Sale of Light and Power. To provide for the lighting of streets, laying down of gas pipes, and erection of lamp posts; to regulate the sale and use of gas, natural gas, and electric or other lights, and electric power, the charge therefor, and the rent of meters within the city, and to regulate the inspection thereof; to prohibit or regulate the erection of telegraph, telephone, or electric wire poles, in the public grounds, streets, or alleys, and the placing of wires thereon; and to require the removal from the public grounds, streets, or alleys, of any or all such poles, and the placing underground of any or all telegraph, telephone, or electric wires.

Water Rates. To fix the rate to be paid for the use of water furnished by the city, or by any person or corporation.

Use of Sidewalks. To regulate the use of sidewalks and all structures thereunder or thereover, and to require the owner or occupant of any property to keep the sidewalks in front of or along the same free from snow and all other obstructions.

Obstructing Streets. To regulate and prevent the throwing or depositing of ashes, offal, dirt, garbage, or any offensive matter in, and to prevent injury or obstruction to any street, avenue, alley, park, or public ground.

Curbs and Gutters. To provide for and regulate crosswalks, curbs and gutters.

Signs, Awnings, Etc. To regulate or prevent the use of streets, sidewalks, public buildings and grounds for signs, sign posts, awnings, telegraph or telephone poles, horse troughs or racks, or for posting handbills or advertisements.

Handbills. To regulate or prohibit the exhibition, distribution, or carrying of placards or handbills in the streets, public grounds or upon the sidewalks.

Flags. Banners. To regulate or prevent the flying of flags, banners, or signs across the streets or from houses.

Street Traffic. To regulate or prohibit traffic and sales upon the streets, sidewalks, and public places.

Speed of Horses and Vehicles. To regulate the speed of horses and other animals, bicycles, automobiles, and other vehicles, and cars and locomotives within the limits of the corporation; and to prevent horse racing, immoderate driving or riding in the streets.

Numbering Houses. To regulate the numbering of houses and lots.

Naming Streets. To name streets, avenues, and other public places, and to change the names thereof.

Railroad Tracks. To permit, regulate, or prohibit the locating, constructing, or laying the tracks of any railroad or tramway in any street, alley, or public place; and to grant franchises to railroad companies, and to union railroad depot companies, to lay, maintain, and operate in any street or part or parts of streets of said cities, or other public places therein, railroad tracks, and union railroad depot connecting and terminal tracks, but such permission shall not be for a longer time than one hundred years.

Railroad Crossings. To provide for or change the location, grade, or crossing of any railroad; and to declare a nuisance and to take up and remove, or to cause to be taken up and removed, the tracks of any street railway company which shall have been laid upon the streets or highways of the city and which such railway company has failed to

operate with cars for public use for a period of nine months after the laying thereof.

Railroad Fences. To require railroad companies to fence their respective railroads or any portion of the same, and to construct cattle guards, crossings of streets and public roads, and keep the same in repair within the limits of the corporation.

Flagmen at Crossings. Drainage. To require railroad companies to keep flagmen at railroad crossings of streets, or otherwise to provide protection against injury to persons or property; to compel such companies to raise or lower their railroad tracks to conform to any grade which at any time may be established by such city, so that such tracks may be crossed at any place on any street, alley, or highway; to compel railway companies to make and keep open, and to keep in repair, ditches, drains, sewers, and culverts along and under their railroad tracks so that the natural or artificial drainage of adjacent property shall not be impaired.

Bridges. To construct and keep in repair bridges, viaducts, and tunnels, and to regulate the use thereof.

Drains, Sewers, Etc. To construct and keep in repair culverts, drains, sewers, catch basins, manholes, and cesspools, and to regulate the construction and use thereof.

Licenses Generally. To license, tax and regulate hawking, peddling, pawn-brokerage, loan agencies, employment agencies, the keeping of ordinances, theatricals, and other exhibitions, shows, and amusements, and the business conducted by ticket scalpers, distilleries, breweries, money changers, brokers, keepers of public scales, runners for stages, cars, public houses, or other persons or things, and to revoke such license at pleasure; to license, tax and regulate banks, bath houses, livery stables, skating rinks, smelters, crushers, express companies, restaurants, hotels, taverns, theatres, opera houses, music halls, boarding houses, eating houses, chop houses, lodging houses, laundries, barber shops, second hand or junk stores, and to forbid the owners or persons in charge of said stores from purchasing or receiving any article whatever from minors without the written consent of their guardians or parents; and storage houses, and to require bond to the city for the benefit of bailors therein; to license, tax, and regulate the business conducted by hackmen, draymen, omnibus drivers, carters, cabmen, porters, expressmen, watermen, and all others pursuing like occupations, and to prescribe their compensation; to license, tax, and regulate the business conducted by merchants, retailers, shop and storekeepers, butchers, druggists, photographers, assayers, confectioners, furniture dealers, coal dealers, lumber dealers, fruit peddlers, and solicitors; to license, tax, and regulate bill boards, bill posting, and the distribution of advertising matter; to license, tax, and regulate the running of automobiles, street railway and steam cars, bicycles, and other vehicles.

Games and Dancing. To license, tax, regulate, and suppress billiard, pool, bagatelle, pigeon hole, or any other tables or implements kept or used for similar purpose; also pin alleys, or tables, or ball alleys; also to license, tax, regulate, in cities of the first and second class, prohibit or suppress, dancing halls, dancing resorts, dancing pavilions, and all places or resorts to which persons of opposite sexes may resort for the purpose of dancing or indulging in other social amusements.

Disorderly Houses. To suppress and prohibit the keeping of bawdy and other disorderly houses, houses of ill fame or assignation, or houses kept by, maintained for, or resorted to or used by one or more females for lewdness or prostitution within the limits of the city, and within three miles of the outer boundaries thereof; and to prohibit the resorting thereto for any of the purposes aforesaid; and also to suppress and prohibit gambling houses and gambling, lotteries, and all fraudulent devices and practices, and all kinds of gaming, playing at dice, cards, and other games of chance, and to prohibit music or the sale or exhibition of obscene or immoral publications, prints, pictures or illustrations.

Liquor. To license and regulate, or prohibit, the manufacturing, selling, giving away, or disposition in any manner, of any intoxicating liquor; provided, no licenses for such purpose shall be issued by the city council of any city where the qualified electors of such city have voted "against sale" of intoxicating liquors, and where the qualified electors have voted "against sale" of intoxicating liquors, the city council of such city shall prohibit the manufacturing, selling, giving away, or disposition in any manner, of any intoxicating liquors, except the manufacture thereof as provided by law, and in any city where the qualified electors have voted "for sale" of intoxicating liquors, such city council shall have the right to determine the amount to be paid for liquor licenses, as provided by law, and said licenses shall be subject to the same regulations as are required by the general laws of the State, and to provide such other reasonable regulations as such city council may deem advisable.

Markets. To establish markets and market houses, and provide for the regulation and use thereof. To provide for the place and manner of sale of meats, poultry, fish, butter, cheese, lard, vegetables, and all other provisions, and regulate the selling of the same.

Inspection of Provisions. To provide for and regulate the inspection of meats, fruits, poultry, fish, butter, cheese, lard, vegetables, flour, meal, and all other provisions.

Inspection of Merchandise. To provide for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity, and to appoint the necessary officers therefor.

Weights and Measures. To provide for the inspection and sealing of weights, measures, computing scales and all weighing and measuring devices indicating arithmetical values as well as weight.

To enforce the keeping of proper weights, measures, computing scales and all weighing and measuring devices indicating arithmetical values as well as weight.

Plumbing. To regulate the construction, repair, and use of vaults, cisterns, areas, hydrants, pumps, sewers, gutters, and plumbing, and to provide for a board of examiners to examine into the fitness and qualifications of persons following the plumbing trade; and to prescribe what qualifications are necessary of persons following said trade.

Disorderly Conduct. Obtaining Money Under False Pretenses. To prevent intoxication, fighting, gambling, quarreling, dog fights, cock fights, prize fights, bull fights, and all disorderly conduct, and to provide against and prevent the offenses of assault and battery and petit larceny; to restrain riots, routs, noises, disturbances, or disorderly assemblies in any street, house, or place in the city; to regulate or prevent the discharge of firearms, rockets, powder fireworks, or any other dangerous or combustible material in the streets, lots, grounds, alleys or about or in the vicinities of public buildings. To provide against and prevent the offense of obtaining money or property under false pretenses, or the offense of embezzling money or property; in all cases where the money or property embezzled or obtained by false pretenses does not exceed in value the sum of $50.

Concealed Weapons. To regulate and prohibit the carrying of concealed weapons.

Vagrants. To arrest, fine, or set to work on the streets or elsewhere, all vagrants, mendicants, and persons found in said city without visible means of support or some legitimate business.

Disorderly Conduct. To provide for the punishment of persons disturbing the peace and good order of the city or any lawful assembly, by clamor or noise, or by intoxication, fighting, or using obscene or profane language, or otherwise violating the public peace, by indecent or disorderly conduct or by lewd or lascivious behavior, and to punish for interfering with any city officer in the discharge of his duty. Also to provide for the punishment of trespass and such other petty offenses as the city council may deem proper.

Tramps, Swindlers, Etc. To provide for the punishment of tramps, common street beggars, common prostitutes, habitual disturbers of the peace, pickpockets, gamblers, thieves, or persons who practice any game, trick, or device, with intent to swindle.

Fire Limits. To define the fire limits, and prescribe limits within which no building shall be constructed except of brick, stone, or other

incombustible material, without permission, and to cause the destruction or removal of any building constructed or repaired in violation of any ordinance, and to cause all buildings and enclosures which may be in a dangerous state to be put in a safe condition or removed.

Construction of Buildings. To prescribe the manner of constructing stone, brick, and other buildings, and the construction of fire escapes; and to cause all buildings used for public purposes to be provided with sufficient and ample means of exit and entrance, and to be supplied with necessary and appropriate appliances for the extinguishment of fire, to prevent the over-crowding thereof, and to regulate the placing and use of seats, chairs, benches, scenery, curtains, blinds, screens, or other appliances therein.

Chimneys, Boilers, Etc. To prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, heaters, ovens, furnaces, boilers, and apparatus used in and about buildings, and maufactories, and cause the same removed or placed in a safe condition.

Prevention of Fires. To regulate and prevent the carrying on of manufacturing likely to cause fires, and to prevent the deposit of ashes in unsafe places.

Fire Department. Except as otherwise provided by law, to provide for the organization and support of a fire department; to procure fire engines, hooks, ladders, buckets, and other apparatus; and to organize fire engine and hook and ladder companies, and to prescribe duties, rules, and regulations for the government thereof, with such penalty as the council may deem proper, and to make all necessary appropriation therefor; and to establish regulations for the prevention and extinguishing of fires.

Combustibles and Explosives. To regulate or prevent the storage of gunpowder, tar, pitch, resin, coal oil, benzine, turpentine, nitroglycerine, petroleum, or any of the products thereof, and other combustible or explosive materials, and the use of lights in stables, shops, and other places, and the building of bonfires.

Steam Boilers and Elevators. To provide for the inspection and to regulate the use of steam boilers; to provide for the examination, regulation, and licensing of stationary engineers and others having charge or control of stationary engines, boilers, or steam generating apparatus, or elevators within the corporate limits of the city.

City Jails. To establish, erect, and maintain the city jails, houses of correction, and workhouses for the confinement of persons convicted of violating any city ordinance, and to make rules and regulations for the government of the same, and to appoint necessary jailers and keepers; and to use the county jail for the confinement or punishment of

offenders, subject to such conditions as are imposed by law, and with the consent of the board of county commissioners.

Cruelty to Animals. To prohibit cruelty to animals.

Nuisances. To declare what shall be a nuisance, and to abate the same, and to impose fines upon parties who may create, continue, or suffer nuisances to exist.

Health and Quarantine. To make regulations to secure the general health of the city, to prevent the introduction of contagious, infectious, or malignant diseases into the city, and to make quarantine laws and enforce the same within the corporate limits, and within twelve miles thereof. To create a board of health and prescribe the powers and duties of the same.

Cemeteries and Hospitals. To purchase, hold, and pay for the lands within or without the corporate limits for the burial of the dead; and all necessary grounds for hospitals, and to have and exercise police jurisdiction over the same, and over any cemetery used by the inhabitants of said city; and to survey, plat, map, fence, ornament, and to otherwise improve all public burial and cemetery grounds, and to convey cemetery lots owned by said city, and pass rules and ordinances for the protection and governing of said grounds.

Births and Deaths. To regulate the burial of the dead and the registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons, and others for default therein.

Estrays. To regulate or prohibit the running at large, within the limits of the city, horses, mules, asses, cattle, swine, sheep, goats, geese, and all kinds of poultry; to establish a pound and appoint a pound-keeper and prescribe his duties, and to distrain and impound animals running at large, and to provide for the sale of the same in the same manner provided by the laws of the State for the sale of estrays and trespassing animals. The proceeds arising from the sale of such animals, after the payment of all costs, shall go to the city treasury to be disposed of according to law.

Dogs. To license, tax, regulate, or prohibit the keeping of dogs, and to authorize the destruction of the same when at large, contrary to ordinance.

Packing Houses, Etc. To direct the location and regulate the management and construction of packing houses, tanneries, canneries, renderies, bone factories, slaughter houses, butcher shops, soap factories, foundries, breweries, distilleries, livery stables, and blacksmith shops in and within one mile of the limits of the corporation.

Offensive Trade. To prohibit any offensive, unwholesome business or establishment in and within one mile of the limits of the corporation;

to compel the owner of any pigsty, privy, barn, corral, sewer, or other unwholesome or nauseous house or place, to cleanse, abate, or remove the same, and to regulate the location thereof.

Census. To provide for taking the census, but no census shall be taken oftener than once in five years, except as provided in Chapter 1 of this title.

Public Buildings. To provide for the construction and care of all public buildings necessary for the use of the city.

Annoying Amusements. To prevent or regulate the rolling of hoops, playing of ball, flying of kites, riding of bicycles or tricycles, or any other amusements or practice having a tendency to annoy persons passing in the streets, or on sidewalks, or to frighten teams or horses.

Lumber Yards, Etc. To regulate or prohibit the keeping of any lumber yard, and the placing or piling or selling of any lumber, timber, wood, or other combustible material within the fire limits of the city.

Water Works. Fire Signals. To purchase, construct, lease, rent, manage, and maintain any system or part of any system of water works, hydrants, and supplies of water, telegraphic fire signals, or fire apparatus, and to pass all ordinances, penal or otherwise, that shall be necessary for the full protection, maintenance, management, and control of the property so leased, purchased, or constructed.

Public Libraries. To establish, maintain, and regulate free public libraries and reading rooms, as provided by law, and to perpetuate such free libraries and reading rooms as may have been heretofore established in said cities.

Processions. To regulate or prohibit all public demonstrations and processions which interfere with the public traffic.

Burial of Indigent Dead. To provide for the burial of the indigent dead, and to pay the expenses thereof.

Education. To authorize the taking and to provide for the safe keeping and education, for such periods of time as may be expedient, of all children who are destitute of proper parental care.

Inspection of Liquor. To regulate the inspection of malt, vinous, fermented and spirituous liquors.

Street Tax. To provide by ordinance for the annual levy and collection of a street tax to be assessed upon the property, real and personal, within the city, which tax, if levied and collected, shall be in lien [lieu] of the tax provided for in the sub. 3 of sec. 253. Said tax shall not in any one year exceed one-half of one per cent, and shall be expended for the opening, widening, grading, and improving of the streets, sidewalks, avenues, and alleys of the city.

Street Noises. To prevent the ringing of bells, blowing of horns, and bugles, crying of goods by auctioneers and others, and the making of other noises, for the purpose of business, amusement, or otherwise, and to prevent all performances and devices tending to the collection of persons on the streets or sidewalks of the city.

Fastening Animals. To compel persons to fasten animals attached to vehicles standing or remaining in the street.

Official Bonds and Reports. To require all municipal officers and agents, elected or appointed, to give bond and security for the faithful performance of their duties, and to require from every officer of the city, at any time, a report in detail of all transactions in his office or any matters connected therewith.

Create Offices. Provide for Vacancies. To create any office that may be deemed necessary for the good government of the city, and to provide for all vacancies in elective and appointive offices; to regulate and prescribe the powers, duties and compensation of all officers of the city except as otherwise provided by law.

Licenses and Taxes. To raise revenue by levying and collecting a license fee or tax on any private corporation or business within the limits of the city and regulate the same by ordinance. All such license fees and taxes shall be uniform in respect to the class upon which they are imposed.

Ordinances. To pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or for discharging all powers and duties conferred by this act, and such as are necessary and proper to provide for the safety, and preserve the health, and promote the prosperity, improve the morals, peace, good order, comfort, and convenience of the city and the inhabitants thereof, and for the protection of property therein; and to enforce obedience to such ordinances with such fines or penalties as the city council may deem proper; provided, that the punishment of any offense shall be by a fine in any sum less than $300 or by imprisonment not to exceed six months, or by both such fine and imprisonment.

Approved March 20th, 1911.

CITY AND TOWN SPECIAL TAXES.

Special Taxes May Be Levied. Special or local taxes may be levied by the city council or board of trustees of any city or town in this State for the purpose of constructing, reconstructing, extending or maintaining water works, reservoirs, canals, and ditches, laying pipes and mains, erecting hydrants and keeping the same in repair; for the purpose of supplying water for domestic and irrigation purposes, or either, and for the purpose of regulating, controlling, and distributing the same, and for the purpose of regulating and controlling water and water

courses leading into the city or town; for constructing and maintaining gas, electric, or other plants for illumination, and the necessary means and cost of distribution; and for constructing, extending, and repairing sewers and drains; and for constructing and paving of sidewalks; such taxes to be levied on the real estate lying and being within the district in which such improvements may be made, or for the benefit of which such taxes are to be expended, to the extent of the benefits to such property, by reason of such improvement or expenditure, the benefits to such property to be determined by the council or board of trustees; provided, that in cases where the council or board of trustees shall find such benefits to be equal and uniform, such levy may be made according to the front feet or square feet, of lots or real estate within said district or according to such other rule as the council or board of trustees may adopt for such distribution or adjustment of such costs upon the lots or real estate in such district benefited by such improvement or expenditure, and all taxes or assessments made for such purposes shall be collected in the same manner as other special assessments, and shall be subject to the same penalty, provided, that a tax levied for supplying water for irrigation and for distributing and regulating the same, may be levied upon real estate according to the amount of water used thereon, or may be levied as an acreage tax.

Approved March 20th, 1911.

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